

Regular Session, 2003

HOUSE BILL NO. 2018 (Substitute for House Bill No. 1683 by Representative Landrieu, et al.)

BY REPRESENTATIVES LANDRIEU, HUNTER, MARTINY, WINSTON, ALARIO, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BROOME, BRUCE, CAPELLA, K. CARTER, CROWE, DAMICO, DANIEL, DARTEZ, DOERGE, DOWNER, DOWNS, FAUCHEUX, FRITH, GALLOT, GLOVER, GREEN, GUILLORY, HEATON, HEBERT, HILL, HONEY, HUDSON, ILES, L. JACKSON, JOHNS, KENNARD, LAFLEUR, LUCAS, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PEYCHAUD, PIERRE, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SCHWEGMANN, JACK SMITH, SNEED, STELLY, STRAIN, TOOMY, TOWNSEND, WELCH, WOOTON, AND WRIGHT AND SENATORS CRAVINS, BAJOIE, LENTINI, MICHOT, MOUNT, BOISSIERE, CHAISSON, FIELDS, HOLDEN, HOLLIS, IRONS, B. JONES, MARIONNEAUX, SCHEDLER, TARVER, AND THOMAS

JUVENILES: Provides with respect to reform of juvenile justice

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AN ACT

To amend and reenact R.S. 46:2601(A)(1), 2603(A) and (B)(2), 2604, and 2607 and to enact R.S. 15:902.2 and 906.1, Part XI-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1110, Chapter 14 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1461 through 1464, Subpart C-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:251 and 252, Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:671 through 677, Part I of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2600, R.S. 46:2605.1, 2605.2, and 2605.3, and Part III of Chapter 45 of Title 46 of

1 the Louisiana Revised Statutes of 1950, to be comprised of R.S.
2 46:2608 through 2610, to designate Part II of Chapter 45, comprising
3 R.S. 46:2601 through 2606 as "Part II. Children's Cabinet, Children's
4 Budget, and Affiliated Boards", all relative to the reform of juvenile
5 justice; to create the Juvenile Justice Reform Act of 2003; to provide
6 with respect to the closure of Swanson Correctional Center for Youth-
7 Madison Parish Unit; to create a juvenile risk review panel; to establish
8 juvenile detention standards and licensing procedures; to establish
9 interagency agreements for sharing of juvenile information; to create
10 the Juvenile Justice Reform Act Implementation Commission,
11 including as one of its duties the creation of a plan for a single state
12 entity for providing services to children and their families; to create the
13 Education/Juvenile Justice Partnership Act; to continue until August 15,
14 2008, the Children's Cabinet; to provide definitions for certain
15 provisions governing the Children's Cabinet and related boards and
16 programs; to provide with respect to the powers and duties of the
17 Children's Cabinet; to provide with respect to the preparation of the
18 children's budget; to create the Children's Cabinet Research Council; to
19 create the Louisiana Juvenile Justice Planning and Coordination Board;
20 to provide for the standardization of service regions; to create the
21 Louisiana Children's Children, Youth, and Families Investment Fund,
22 to create the Community-based Sanctions and Services Grant Program;
23 and to provide for related matters.

24 Be it enacted by the Legislature of Louisiana:

1 Section 1. The provisions of this Act shall be known as the "Juvenile
2 Justice Reform Act of 2003" and is submitted upon recommendation of the
3 Louisiana Juvenile Justice Commission.

4 Section 2. R.S. 15:902.2 and 906.1, Part XI-A of Chapter 7 of Title 15
5 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1110, and
6 Chapter 14 of Title 15 of the Louisiana Revised Statutes of 1950, comprised
7 of R.S. 15:1461 through 1464, are hereby enacted to read as follows:

8 §902.2. Closure of Swanson Correctional Center for Youth-Madison
9 Parish Unit as a facility for juveniles

10 A.(1) By December 31, 2004, the Swanson Correctional Center
11 for Youth-Madison Parish Unit at Tallulah, Louisiana shall no longer
12 be used as a juvenile facility.

13 (2) Notwithstanding any provision of Paragraph (A)(1) of this
14 Subsection, the governor by executive order and upon a declaration that
15 there is a public safety emergency which necessitates the use of
16 Swanson Correctional Center for Youth-Madison Parish Unit as a
17 juvenile facility may extend the closure date by a period not to exceed
18 five months from the date of issuance of the declaration of emergency.
19 Under no circumstances shall Swanson Correctional Center for Youth-
20 Madison Parish Unit be used as a juvenile facility after May 31, 2005.

21 (3) No provision of this Subsection shall prohibit the
22 department from closing Swanson Correctional Center for Youth-
23 Madison Parish Unit at any time prior to December 31, 2004, should
24 the protection and public safety of society permit.

25 B.(1) The Department of Public Safety and Corrections shall
26 develop a comprehensive plan for the transitioning of these youth based

1 upon the health, safety, and best interests of each child and the
2 protection and public safety of society. The comprehensive plan:

3 (a) Shall include a specific date after which youths adjudicated
4 delinquent and committed to the department shall no longer be assigned
5 or reassigned to Swanson Correctional Center for Youth-Madison
6 Parish Unit.

7 (b) Shall include a recommendation by which monies used to
8 fund the operation of Swanson Correctional Center for Youth-Madison
9 Parish Unit can be used for the creation and maintenance of a
10 continuum of community-based treatment and supervision programs for
11 youth within the Louisiana juvenile justice system.

12 (c) May include recommendations for an alternative use of the
13 facility and property of the former Swanson Correctional Center for
14 Youth-Madison Parish Unit.

15 (2) The secretary of the department shall submit the plan on or
16 before August 1, 2003, to the governor, to the Joint Legislative
17 Committee on the Budget, and to the Juvenile Justice Reform Act
18 Implementation Commission created by R.S. 24:671 et seq.

19 (3) Beginning on August 1, 2003, and every month thereafter
20 until such time as Swanson Correctional Center for Youth-Madison
21 Parish Unit is discontinued as a juvenile facility, the department shall
22 submit to the Juvenile Justice Reform Act Implementation Commission
23 a status report detailing:

24 (a) The total number of youths in the facility.

25 (b) The number of youths transitioned out of the facility and the
26 facility to which the child was transferred.

1 (c) The number of youths, if any, placed in the facility, and the
2 reason for this placement as opposed to placement in another juvenile
3 facility, subject to applicable confidentiality requirements.

4 (d) Other information requested by the commission.

5 C. The Juvenile Justice Reform Act Implementation
6 Commission shall make recommendations to the governor and
7 legislature, including the Joint Legislative Committee on the Budget,
8 prior to the 2004 Regular Session of the Legislature, regarding
9 suggested executive action or required legislation and funding for
10 juvenile justice services, facilities, and personnel.

11 * * *

12 §906.1. Louisiana Juvenile Risk Review Panel

13 A.(1) The legislature hereby finds that in order to improve our
14 juvenile justice system it is necessary that every juvenile in the custody
15 of the Department of Public Safety and Corrections be regularly
16 reviewed by a Louisiana Juvenile Risk Review Panel in order to
17 determine whether the level of confinement for a juvenile can be
18 reduced or whether the juvenile has been placed in the least restrictive
19 level of confinement consistent with the circumstances of the case, the
20 needs of the child, and the protection of the best interests of society and
21 the safety of the public within the state.

22 (2) The Louisiana Juvenile Risk Review Panel is hereby created
23 within the Department of Public Safety and Corrections. The secretary
24 of the Department of Public Safety and Corrections shall be responsible
25 for the creation of not more than two risk review panels.

1 B. Each panel shall consist of five members in accordance with
2 the following provisions:

3 (1) The secretary of the Department of Public Safety and
4 Corrections or his designee, who shall be chairman.

5 (2) A board-certified psychologist or psychiatrist who has
6 professional training or experience working with adolescents and
7 children. This member shall be selected, on a rotating basis, from a
8 pool of nine psychologists or psychiatrists authorized and approved by
9 the secretary of the Department of Public Safety and Corrections.

10 (3) The warden, or in his absence the deputy warden, of the
11 juvenile facility where the offender is incarcerated.

12 (4) A retired judge with experience in hearing juvenile matters,
13 who shall be appointed by the governor.

14 (5) A juvenile probation or parole officer with a minimum of
15 ten years' experience in juvenile probation matters, who shall be
16 appointed by the governor.

17 C. A majority of the members of the panel shall constitute a
18 quorum. All official actions of the panel shall require the affirmative
19 vote of a majority of the members of the panel.

20 D. Members, other than the secretary, warden, their designees,
21 or psychologists who are employees of the department, may receive a
22 per diem for each day spent in actual attendance of meetings of the
23 panel. The amount of the per diem shall be fixed by the secretary in an
24 amount not to exceed forty dollars per hour. Members may also receive
25 a mileage allowance for mileage traveled in attending meetings. The

1 mileage allowance shall be fixed by the panel in an amount not to
2 exceed the mileage rate for state employees.

3 E. The panel shall meet on the call of the chairman or upon the
4 request of any three members.

5 F. The panel shall review predisposition reports, facility
6 records, medical and psychological records, information provided by
7 the juvenile offender, the district attorney, the assistant district attorney,
8 and any other information obtained by the Department of Public Safety
9 and Corrections.

10 G. The panel shall have the duty to evaluate the risk of danger
11 to society which each juvenile, adjudicated delinquent and in the
12 custody of the Department of Public Safety and Corrections, may
13 present if transferred to a less restrictive setting. However, the panel
14 shall not evaluate the risk of danger to society presented by a juvenile
15 after adjudication of a felony-grade delinquent act based upon a
16 violation of any of the following offenses:

17 (1) First degree murder.

18 (2) Second degree murder.

19 (3) aggravated rape.

20 (5) Armed robbery.

21 (6) Treason.

22 (7) A sex offense as defined in R.S. 15:540 et seq. when the
23 victim is under the age of eighteen at the time of the commission of the
24 offense.

25 H. The secretary of the Department of Public Safety and
26 Corrections, on or before January 1, 2004, shall adopt and promulgate

1 rules, regulations, and procedures under which the panels shall perform
2 their duties. The rules, regulations, and procedures shall include but
3 shall not be limited to the following:

4 (1) The requirements necessary for a juvenile offender to be
5 considered for risk review, the type of crime committed, the age of the
6 offender, the time served in confinement, the facility record of the
7 juvenile offender, the damage or injury occasioned by the crime
8 committed, any resources available to the offender in the event of
9 release, and any other criteria or information which the panel may deem
10 to be advisable or helpful in the performance of its duty.

11 (2) The psychological evaluations or other evaluations which
12 shall be utilized in order for the panel to make the risk evaluation
13 required by this Section.

14 (3) The manner in which a victim of the crime or crimes
15 committed by the juvenile offender may provide information to the
16 panel.

17 (4) The procedure by which risk evaluations shall be conducted,
18 whether by record review only, by hearing only, or by both record
19 review and hearing.

20 (5) The manner in which the decision of the panel shall be
21 determined, reported, and disseminated.

22 (6) Procedures for notifying the local district attorney, any
23 registered crime victim, the court and appropriate local law
24 enforcement authorities, and the juvenile's parent or legal guardian no
25 less than ten days prior to a juvenile's hearing before the risk review

1 panel so that those persons and agencies can provide information to the
2 panel for its consideration.

3 I. When a panel has determined that a juvenile offender will not
4 present a risk of danger to society if transferred to a less restrictive
5 setting, the panel shall order that the juvenile be moved from a secure
6 institution to a less restrictive setting, which shall include but not be
7 limited to any secure or nonsecure facility or program operated by the
8 state or a nonprofit entity operating under contract with the state, or the
9 physical custody of the juvenile's parent or guardian with the
10 supervision of juvenile probation and parole officers and subject to
11 appropriate conditions of parole.

12 J. The order of the panel shall be a final and binding decision.
13 The department shall be responsible for executing the order of the
14 panel. No further action of the court shall be required to effectuate the
15 transfer ordered by the panel. However, the department shall advise the
16 committing court of the transfer within two business days of the panel's
17 decision.

18 K. Nothing in this Section shall be construed to restrict the
19 authority of the court provided for in Chapter 17 of the Children's Code
20 or any other provision of law relative to the modification of orders of
21 disposition. The authority of the panel provided for in this Section is
22 supplemental to, not in place of, the court's authority to modify
23 dispositions. No order of a panel shall remove a juvenile from the legal
24 custody of the department.

25 L. For purposes of this Section, reports and records concerning
26 matters or proceedings regarding the juvenile offender may be released

1 to members of the panel in order that the panel may make the risk
2 evaluation required by this Section.

3 * * *

4 PART XI-A. JUVENILE DETENTION STANDARDS AND
5 LICENSING PROCEDURES

6 §1110. Licensing standards

7 A. The single state entity created pursuant to R.S. 24:677 shall
8 develop and recommend uniform standards and licensing procedures
9 for juvenile detention facilities. These standards should comport with
10 nationally recognized and accepted standards for practice within the
11 juvenile detention facilities. The uniform standards and licensing
12 procedures shall address, but not be limited to the following areas:

13 (1) Operational requirements.

14 (2) Staff qualifications and training of local juvenile detention
15 staff, which shall include educational programs designed to improve the
16 quality of services and specific training in recognizing and reporting of
17 child abuse and neglect.

18 (3) The ratio of staff to children in each local juvenile detention
19 facility.

20 (4) Policies for admission, transfer, discharge, aftercare
21 supervision, and follow-up services appropriate to the needs of the
22 child.

23 (5) Standards of care, including provisions to administer any
24 early, periodic screening, diagnosis, and treatment program and to treat
25 appropriately any condition revealed by screening.

26 (6) Treatment needs for those with substance abuse disabilities.

1 (7) Standards to assure a safe, humane, and caring environment.

2 (8) Access to required programs and services, including
3 educational services.

4 (9) A risk and needs assessment for each child, including
5 criteria for the placement of a child in a particular local juvenile
6 detention center or in a nonsecure alternative.

7 (10) Criteria for determining population limits for each local
8 juvenile detention facility which may not be exceeded except in
9 emergency circumstances during which time staffing ratios and levels
10 of services must be maintained.

11 (11) Competency and character development to assist children
12 in becoming responsible and productive members of society.

13 (12) The accountability of the child to the victim and the
14 community for offenses committed.

15 (13) Procedures to provide a program of treatment, training, and
16 rehabilitation consistent with the child's best interests and the protection
17 of public interest.

18 (14) The rights of children in a local juvenile detention facility,
19 which shall include provisions relative to the right to privacy, visitors,
20 use of telephones, and mail delivery.

21 (15) Procedures for reporting complaints.

22 (16) Prohibitions against the use of excessive force against a
23 child.

24 (17) Internal auditing and monitoring of local programs and
25 facilities in the juvenile justice system, including compliance with all
26 regulations and procedures.

1 (18) Such other regulations or standards that will ensure proper
2 care and treatment of children as may be deemed necessary for the
3 effective administration of local juvenile detention facilities.

4 B. All agencies, departments, offices, and institutions of the
5 state, including the state universities and the community and technical
6 colleges, shall cooperate in developing and implementing these
7 standards.

8 C. For purposes of this Part, detention includes detention of a
9 child both before and after adjudication.

10 * * *

11 CHAPTER 14. INTERAGENCY AGREEMENTS FOR
12 INFORMATION SHARING CONCERNING JUVENILES

13 §1461. Legislative findings

14 A. In an effort to reform and restructure the juvenile justice
15 system and to improve the availability and quality of programs and
16 services available to assist juveniles who are at risk of becoming part
17 of the system, as well as those who are already involved in the juvenile
18 justice system, the legislature supports interagency efforts to gather
19 comprehensive data and actively share and disseminate data to those
20 agencies responsible for making informed decisions regarding the
21 treatment, care, security, and rehabilitation of juveniles within the state.

22 B. The legislature finds that the sharing and integration of
23 appropriate data and information relating to child protection,
24 delinquency, families in need of services, and other concerns provided
25 in the Louisiana Children's Code may have numerous benefits for the
26 children and families involved in the juvenile justice system, as well as

1 for the state and local juvenile justice agencies attempting to provide
2 services for them.

3 C. The legislature finds that such data sharing and integration
4 can serve the best interests of the child and the family, contribute to
5 higher levels of effectiveness in service delivery, greater efficiency and
6 productivity, and eventually reductions in the costs of juvenile justice
7 services. Specifically, such data sharing and integration can reduce
8 redundant data entry, expedite the processing of cases, provide for more
9 timely service delivery, ensure more accurate and up-to-date
10 information, and contribute to better performance and greater
11 accountability by all involved parties.

12 §1462. Cooperation of boards; data sharing

13 A. The single state entity created pursuant to R.S. 24:677 shall
14 develop a comprehensive strategy to foster interagency agreements and
15 cooperation regarding the sharing of data concerning children, youth,
16 and families involved in the juvenile justice system.

17 B. Interagency agreements shall include provisions regarding
18 the specific data to be shared among the agencies, the person or persons
19 allowed by each party to have access to the other party's data, and the
20 security arrangements between the parties to ensure the protection of
21 the data from unauthorized access that would threaten the privacy of
22 persons and the confidentiality of the data. Nevertheless, regardless of
23 the terms of a specific agreement, all laws regarding privacy and
24 confidentiality of information shall remain unaffected by this Section.
25 The parties may not agree to share data pursuant to a specific agreement

1 if any law would otherwise prohibit the sharing of such data by the
2 parties.

3 C. Interagency agreements shall be in writing and a copy shall
4 be furnished to the court exercising juvenile jurisdiction and to each
5 agency involved in the treatment, care, and rehabilitation of the child.

6 D. A forum shall be provided for the presentation of interagency
7 recommendations and the resolution of disagreements relating to the
8 contents of the interagency agreements or the performance by the
9 parties of their respective obligations under the agreement.

10 E. Agencies involved in facilitating agreements regarding the
11 sharing of information regarding juveniles shall include:

12 (1) The Department of Social Services.

13 (2) The Department of Health and Hospitals.

14 (3) The Department of Education.

15 (4) The Department of Public Safety and Corrections.

16 (5) The Department of Labor.

17 (6) Courts exercising juvenile jurisdiction.

18 (7) Offices of district attorneys.

19 (8) Law enforcement agencies.

20 (9) Schools.

21 (10) Truancy Assistance Service Centers.

22 (11) Families in Need of Services offices.

23 (12) Other juvenile justice agencies.

24 (13) Indigent defender boards.

1 §1463. Confidentiality

2 A. Any interagency information sharing agreement entered into
3 pursuant to this Chapter shall specify the conditions under which
4 information is to be made available to authorized parties, and it shall
5 include procedures for respecting the confidentiality of all records and
6 information pertaining to a juvenile.

7 B. Disclosure of information pursuant to any interagency
8 information sharing agreement shall only be made by staff from
9 agencies that are involved in the assessment, diagnosis, treatment, care,
10 or rehabilitation of children and for the purpose of ensuring cooperation
11 and coordination of all agencies in providing effective case
12 management for juveniles.

13 §1464. Immunity from civil or criminal liability

14 A. Any person or agency, who in good faith and pursuant to any
15 interagency agreement discloses any confidential information regarding
16 a juvenile or his family, shall have immunity from any liability, civil,
17 criminal, or otherwise, that might result by reason of the type of
18 information disclosed.

19 B. The limitation on liability of Subsection A of this Section
20 does not apply if a party to an interagency agreement acts with gross
21 negligence or in bad faith.

22 Section 3. Subpart C-1 of Part III of Chapter 1 of Title 17 of the
23 Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:251 and 252,
24 is hereby enacted to read as follows:

1 SUBPART C-1. THE EDUCATION/JUVENILE JUSTICE

2 PARTNERSHIP ACT

3 §251. Short title; legislative intent

4 A. This Subpart may be cited as the "Education/Juvenile Justice
5 Partnership Act".

6 B. The legislature hereby finds and declares that:

7 (1) The good behavior and discipline of students are essential
8 prerequisites to academic learning, the development of student
9 character, and the general, as well as educational, socialization of
10 children and youth.

11 (2) Bad behavior and lack of discipline in many schools of the
12 state are impairing the quality of teaching, learning, character
13 development, and socialization, and, in some schools, are creating real
14 and potential threats to school and public safety.

15 (3) Greater communication, coordination, and collaboration
16 need to exist between and among state, city, parish, and other local
17 public school systems and juvenile justice agencies to address
18 effectively issues affecting the behavior and discipline of students,
19 especially with respect to safe school planning, mental health service
20 delivery, family strengthening, alternative schools, special education,
21 school zero tolerance policies, school suspensions, and positive
22 behavioral supports.

23 §252. School master plans for supporting student behavior and
24 discipline

25 A(1) The State Board of Elementary and Secondary Education,
26 in collaboration with the Louisiana Juvenile Justice Planning and

1 Coordination Board, shall formulate, develop, and recommend to the
2 Juvenile Justice Reform Act Implementation Commission by March 1,
3 2004, a model master plan for improving behavior and discipline within
4 schools.

5 (2) The model master plan may include but need not be limited
6 to guidelines for accomplishing the following:

7 (a) Improving communication, coordination, and collaboration
8 between the schools and juvenile justice agencies.

9 (b) Improving safe school planning.

10 (c) Revising school zero tolerance policies to ensure compliance
11 with all applicable provisions of law to ensure that schools do not make
12 inappropriate referrals to juvenile justice agencies.

13 (d) Providing improved mental health services in or through the
14 schools.

15 (e) Providing better assistance to parents in knowing about and
16 accessing family strengthening programs.

17 (f) Improving the coordination of special education and juvenile
18 justice services.

19 (g) Improving classroom management using positive behavioral
20 supports and other effective disciplinary tools.

21 (h) Improving methods and procedures for the handling of
22 school suspensions and the referral of students to alternative schools.

23 (i) Providing for better and more useful reporting on an annual
24 basis of school behavioral and disciplinary problems.

25 B. Each city, parish, and other local public school board shall
26 cause to be developed and shall submit by October 1, 2004, a master

1 plan for each school under the board's jurisdiction for improving
2 behavior and discipline in each such school based on the model master
3 plan developed and approved by the State Board of Elementary and
4 Secondary Education.

5 Section 4. Chapter 11 of Title 24 of the Louisiana Revised Statutes of
6 1950, comprised of R.S. 24:671 through 677, is hereby enacted to read as
7 follows:

8 CHAPTER 11. JUVENILE JUSTICE REFORM ACT

9 IMPLEMENTATION COMMISSION

10 §671. Juvenile Justice Reform Act Implementation Commission;
11 creation; composition; duties

12 A. The Juvenile Justice Reform Act Implementation
13 Commission, referred to in this Chapter as the "commission", is hereby
14 created in the legislative branch.

15 B.(1) The commission shall be composed of five members as
16 follows:

17 (a) The original chairman of the Juvenile Justice Commission,
18 created by House Concurrent Resolution No. 94 of the 2001 Regular
19 Session, and upon his resignation from the commission, a
20 representative appointed by the speaker of the House.

21 (b) One senator appointed by the president of the Senate.

22 (c) A supreme court justice appointed by the chief justice of the
23 state supreme court.

24 (d) The commissioner of administration.

25 (e) The president of Xavier University or his designee.

1 (2) Members shall be appointed, if required, and shall take
2 office not later than July 15, 2003. Vacancies shall be filled in the
3 manner of the original selection or as otherwise provided in this
4 Section.

5 C. The commission shall have as its purpose the implementation
6 of the recommendations contained in the Juvenile Justice Reform Act
7 of 2003 and HCR 56 or SCR 31, or both, of the 2003 Regular Session,
8 and the continued reform of the state's juvenile justice system.

9 §672. Rules; meetings; officers

10 A. The commission shall adopt such rules and procedures as it
11 shall find necessary for the conduct of the activities and meetings of the
12 commission.

13 B. No action shall be taken by the commission except by a
14 favorable vote of a majority of the members. A quorum of the
15 commission shall consist of a majority of the total membership thereof,
16 and in the case of a vacancy, a quorum will consist of the majority of
17 the remaining members.

18 C. The commission shall meet for the first time no later than
19 August 1, 2003, and shall meet at such other times as shall be necessary
20 to accomplish its purposes.

21 D. The commission shall elect such officers as it finds
22 necessary.

23 §673. Compensation; receipt and expenditure of funds

24 A. The members of the commission shall serve without
25 additional compensation. Travel, per diem, and other expenses may be
26 paid by the member's respective employer or affiliated agency.

1 B.(1) The commission may receive and expend funds
2 appropriated or otherwise made available by the legislature or from any
3 other source, including donations or gifts of money or services from
4 public or private organizations or from any other sources, to be utilized
5 for the purposes of the commission.

6 (2) Such funds shall be received and allocated by the Legislative
7 Budgetary Control Council on behalf of and as directed by the
8 chairman of the commission.

9 §674. Commission authority generally; staff services; state agency
10 assistance

11 A. The commission is authorized to utilize the personnel,
12 facilities, and services of the legislature, executive departments and
13 agencies, and the courts and judicial administrator. The commission
14 may request of and utilize such counsel, research, assistance, personnel,
15 facilities, and advice as may be obtained from any and all public
16 sources and from any and all private sources, including but not
17 restricted to private research agencies, consulting groups, individuals,
18 and organizations.

19 B. The commission is authorized to make, or cause to be made,
20 any study, review, or analysis that it may find useful to the purposes of
21 this Chapter through personnel as provided in Subsection A of this
22 Section or in cooperation with any public or private agency including
23 universities, colleges, foundations, charitable corporations, research
24 organizations, and consulting groups, and the commission may call
25 upon the members or staffs of any and all existing departments or

1 agencies of the state for data or assistance, or both, and all such
2 agencies and departments shall cooperate with the commission.

3 C. The chairman of the commission may enter into any contract
4 for the purpose of facilitating any provision of Subsections A or B of
5 this Section.

6 D.(1) The commission shall have the power and authority to
7 hold hearings, subpoena witnesses, administer oaths, require the
8 production of books and records, and do all other things necessary to
9 discharge its duties and responsibilities under this Chapter. However,
10 a subpoena or a subpoena duces tecum shall be issued only upon the
11 approval of a majority of the members of the commission. Subpoenas
12 shall be served by the sheriff or by any other officer authorized by law
13 to serve process in this state.

14 (2) In the case of failure or refusal of a person to comply with
15 a subpoena issued by the commission, or in the case of the refusal of a
16 witness to testify or answer as to a matter regarding that which he may
17 be lawfully interrogated, any district court on the application of the
18 commission may issue an attachment for the person to compel him to
19 comply with the subpoena and to appear before the commission with
20 the desired documents and to give testimony upon whatever matters are
21 lawfully required. The court may punish for contempt those disobeying
22 its orders as in the case of disobedience of a subpoena issued by the
23 court or refusal to testify therein.

1 §675. Powers and duties

2 A. The commission shall make, or cause to be made, all such
3 studies, reviews, or analysis which it finds necessary to effect its
4 purpose.

5 B. The commission in its consideration of the recommendations
6 of the Juvenile Justice Reform Act of 2003 and HCR 56 or SCR 31, or
7 both, of the 2003 Regular Session, and in the consideration of
8 recommendation of other juvenile justice reform measures shall address
9 such issues as:

10 (1) The creation of a single state entity for providing services to
11 children and their families, as more fully set forth in R.S. 24:677.

12 (2) The closure of Swanson Correctional Center for Youth-
13 Madison Parish Unit as a facility for juveniles, as more fully set forth
14 in R.S. 15:902.2.

15 (3) The priorities of state entities funding children and family
16 services by:

17 (a) Receiving reports of the allocations and expenditures of all
18 federal and state juvenile grant funds earmarked for law enforcement,
19 treatment, rehabilitation, and education.

20 (b) Evaluating how juvenile monies, both state and federal, are
21 utilized in implementing juvenile delinquency prevention programs by
22 state and local agencies.

23 (c) Identifying and evaluating the effectiveness of state and
24 local public awareness and delinquency prevention programs in both
25 the public and private sectors to develop a series of recommendations
26 for improving the effectiveness of such programs.

1 (d) Evaluating specific problem areas relating to the
2 enforcement of laws concerning juvenile delinquency and making
3 recommendations to improve the impact of those laws through
4 legislative refinement or executive order.

5 (e) Assessing the roles and interaction of federal, state, and
6 local law enforcement agencies and entities in combating juvenile
7 delinquency to make recommendations for improving their
8 effectiveness.

9 C. The commission may also:

10 (1) Review and comment on the progress reports submitted to
11 it by the Children's Cabinet and its affiliated boards.

12 (2) Review and comment on various proposals for the annual
13 Children's Budget before completion and submission of the budget to
14 the appropriate standing committees of the legislature by the Children's
15 Cabinet.

16 (3) Make recommendations for improving juvenile justice
17 through proposed legislation, resolutions, or other expressions of
18 legislative intent.

19 (4) Monitor and advocate for juvenile justice legislation and
20 other actions relating to the reform of juvenile justice and the
21 restructuring of the delivery of services to children and their families.

22 (5) Take any other action it deems appropriate relating to the
23 restructuring or rendering, or both, of juvenile services.

24 §676. Reports; recommendations

25 The commission shall report to the legislature and the governor
26 with respect to the findings of such studies, reviews, and analysis as it

1 may undertake. The commission shall submit its initial report prior to
2 the 2004 Regular Session of the Legislature and at such other times as
3 it shall deem appropriate.

4 §677. Single state entity for children; additional duties and functions

5 A. The legislature hereby finds and declares that the creation of
6 a single state entity for the delivery of services to children and their
7 families would offer the state many benefits, including:

8 (1) The facilitation of more effective communication,
9 coordination, and collaboration of agencies and personnel within the
10 new state entity.

11 (2) The facilitation of the development of a new system of
12 service delivery providing a single pool of financing, single points of
13 entry, a comprehensive system of case management, and wraparound
14 services for children and families.

15 (3) The generation of savings from the elimination of redundant
16 administrative, management, and programmatic functions and from the
17 realignment of state and local functions, particularly the new
18 programmatic emphasis on community-based services, and the
19 reinvestment of those savings into new services for children and
20 families.

21 (4) The creation of new leadership, infused with a sense of
22 urgency and a more appropriate sense of mission, to aggressively create
23 a better culture and structure for administering juvenile justice.

24 B. The legislature hereby further finds and declares that the
25 creation of a single state entity for the delivery of services to children
26 and their families should incorporate, to the extent deemed appropriate

1 by the commission, services rendered by the office of community
2 services, Department of Social Services, the office of public health and
3 office of mental health, Department of Health and Hospitals, the office
4 of youth development, Department of Public Safety and Corrections,
5 and the Department of Education.

6 C.(1) Based on the findings and intent of the legislature as
7 declared in Subsection A and B of this Section, the commission shall
8 develop no later than March 1, 2004, a plan for the creation of a single
9 state entity to provide services to children and their families, which plan
10 shall:

11 (a) Clearly state the purpose and objectives of the single state
12 entity.

13 (b) Designate and describe the nature of the single state entity,
14 including the appropriate level of the organizational unit and its
15 placement in the organizational structure of state government.

16 (c) Provide for the internal organization and structure of the
17 single state entity, including its officers and component units and the
18 structure, powers, duties, functions, and responsibilities of each.

19 (d) Provide for the transfer of organizational entities of state
20 government and their powers, duties, functions, and responsibilities to
21 the single state entity and for any organizational changes made
22 necessary by such transfers in other affected units of government.

23 (e) Identify and provide specifics concerning requirements for
24 implementing the single state agency, including but not limited to
25 necessary personnel, funds, office space, facilities, and equipment.

26 Such specifics shall include such information as: total dollars requested

1 by appropriate budget categories and, to the extent appropriate by
2 program and by organizational unit; the number and classification of
3 necessary personnel, by program and organizational unit; explanation
4 of how the requirements will be provided, including the transfer and
5 utilization of the personnel, funds, facilities, and equipment of
6 transferred entities; how functions, including management and finance
7 related functions and data processing, will be consolidated and how
8 services may be provided more effectively.

9 (f) Provide additional funding request for technology capable
10 of allowing the electronic sharing and integration of data and
11 information relating to child protection, delinquency, families in need
12 of services, and other children, youth and family information.

13 (2) The commission shall submit the proposed plan to the
14 governor and the legislature for adoption of the plan and enactment of
15 implementing legislation during the 2004 Regular Session of the
16 Legislature.

17 D. In development of the plan, the commission shall also
18 consider the recommendations of the Louisiana Juvenile Justice
19 Planning Coordination Board created by R.S. 46:2605.2.

20 Section 5. R.S. 46:2601(A)(1), 2603(A) and (B)(2), and 2604 are
21 hereby amended and reenacted and Part I of Chapter 45 of Title 46 of the
22 Louisiana Revised Statutes of 1950, comprised of R.S. 46:2600, and R.S.
23 46:2605.1, 2605.2, 2605.3, and 2605.3, and Part III of Chapter 45 of Title 46
24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2608 through
25 2610, are hereby enacted, and Part II of Chapter 45, comprised of R.S. 46:2601

1 through 2606, is hereby designated as "Part II. Children Cabinet, Children's
2 Budget, and Affiliated Boards", to read as follows:

3 CHAPTER 45. CHILDREN'S CABINET

4 PART I. GENERALLY

5 §2600. Definitions

6 As used in this Chapter:

7 (1) "Community-based program" means programs that are
8 accessible, culturally and linguistically, in locations that people use in
9 the community, such as community centers, schools, shopping areas,
10 and governmental buildings and which are operated by either:

11 (a) A local public agency.

12 (b) An independent, private for-profit or not-for-profit
13 organization when the communities service needs are defined by the
14 local community and planned and monitored by a board-based group of
15 community representatives invested by a local government with the
16 authority and responsibility to plan such services.

17 (2) "Exemplary and promising program" means programs that
18 meets high scientific standards, as evidenced in published evaluations,
19 and that have been shown to work effectively and can be expected to
20 have a positive result in a wide range of community settings.

21 (3) "Exemplary sanctions" may include but are not limited to
22 electronic monitoring, diversion, community service, victim restitution,
23 house arrest, intensive juvenile supervision, tracker programs,
24 substance abuse assessment and testing, first-time offender programs,
25 intensive individual and family treatment, structured day treatment and
26 structured residential programs, aftercare or parole community

1 supervision, balanced and restorative justice programs, and residential
2 and nonresidential services for juvenile offenders.

3 (4) "Juvenile justice" means the system of public and private
4 services in Louisiana that includes prevention, early identification, early
5 intervention, child protection, law enforcement, prosecution, defense,
6 adjudication, diversion and informal processing, probation, corrections,
7 aftercare, transitional living, and other services provided to children
8 and families who either are or are likely to be brought into a court with
9 juvenile jurisdiction because of problems such as abuse, neglect or
10 abandonment, mental illness, substance abuse, aspects of a divorce and
11 breakup of families, pre-delinquency, social irresponsibility or
12 delinquent behavior, or spousal abuse involving children.

13 (5) "Regionally based programs" means those programs that are
14 delivered in one of the nine regional service areas.

15 (6) "Regional service area" means the following nine regions:

16 (a) Region 1 includes the parishes of Jefferson, Orleans,
17 Plaquemines, and St. Bernard.

18 (b) Region 2 includes the parishes of East Baton Rouge, East
19 Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West
20 Feliciana.

21 (c) Region 3 includes the parishes of Livingston, St. Helena, St.
22 Tammany, Tangipahoa, and Washington.

23 (d) Region 4 includes the parishes of Ascension, Assumption,
24 Lafourche, St. Charles, St. James, St. John the Baptist, and Terrebonne.

25 (e) Region 5 includes the parishes of Acadia, Evangeline,
26 Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion.

1 (f) Region 6 includes the parishes of Allen, Beauregard,
2 Calcasieu, Cameron, and Jefferson Davis.

3 (g) Region 7 includes the parishes of Avoyelles, Catahoula,
4 Concordia, Grant, LaSalle, Rapides, Vernon, and Winn.

5 (h) Region 8 includes the parishes of Bienville, Bossier, Caddo,
6 Claiborne, Desoto, Jackson, Natchitoches, Red River, Sabine, and
7 Webster.

8 (i) Region 9 includes the parishes of Caldwell, East Carroll,
9 Franklin, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas,
10 Union, and West Carroll.

11 (7) "School-based programs" means those programs operated
12 at the school and developed in coordination with juvenile justice
13 agencies, parents, and community agencies to address student
14 behavioral and discipline issues.

15 PART II. CHILDREN'S CABINET, CHILDREN'S

16 BUDGET, AND AFFILIATED BOARDS

17 §2601. Legislative findings and intent

18 A.(1) The legislature finds that programs and services to
19 children and their families, including juvenile justice services, are
20 provided by a myriad of state departments, offices, and agencies, as
21 well as many entities at the local level. Funding for such programs is
22 provided from numerous sources, federal, state, and local. There is a
23 serious need to coordinate and focus programs and funding to achieve
24 the most effective and efficient use of monetary, human, and
25 organizational resources.

26 * * *

1 §2603. Children's Cabinet; powers and duties

2 A. In order to carry out the purposes of this Chapter and the
3 purposes for which it is created, the Children's Cabinet shall:

4 (1) Develop and implement a comprehensive plan for
5 coordination of policy making and planning for all state agencies and
6 programs responsible for services to children and their families. Such
7 plan shall be completed and adopted by the cabinet and submitted to the
8 Senate Committee on Health and Welfare and the House Committee on
9 Health and Welfare for review not later than January 31, 1999, and
10 shall be updated annually thereafter.

11 (2) Develop and recommend a plan by December 31, 2003, for
12 reforming the way in which services, including juvenile justice
13 services, are delivered to children and families. The plan shall be
14 submitted to the Juvenile Justice Reform Act Implementation
15 Commission and to such other legislative committees as the
16 implementation commission may direct and may recommend, at a
17 minimum, the following features for consideration by the commission
18 and legislature:

19 (a) A system of centralized intake that would allow individuals,
20 as well as public and private service providers, to access common
21 intake forms via the internet and that would initiate eligibility,
22 screening, and case planning processes through local provider
23 networks.

24 (b) A coordinated system of specially trained and certified case
25 managers who shall, either as teams or as individuals in consultation
26 with other case managers, accept or reject applications for assistance

1 based on clearly defined eligibility standards. The case manager or
2 case management team may develop case management plans that will
3 specify all of the services recommended for the child or family, or both,
4 and how such services may be accessed. The acceptance notice and
5 case management plan should be forwarded to the central intake
6 system, which, in turn, will contact the child and family.

7 (c) A plan to allow the applicant, upon approval and
8 communication of the plan by the coordinated system of case managers,
9 to use the plan as a voucher for accessing all of the services indicated
10 in the plan in accordance with the plan's terms and conditions.

11 (d) A plan to provide for the establishment of a system for
12 funding those community-based services meeting the guidelines
13 established by the cabinet. The plan should provide for initial start-up
14 funds for the community-based programs, for local matching
15 requirements, for monitoring and evaluation, and for accessing funding
16 to pay for the vouchers associated with each case management plan.
17 The plan should also investigate the feasibility of providing
18 community-based services through a regional mobile delivery system
19 providing intake, health, assessment, early identification, informational,
20 and other services.

21 (e) A plan to provide for the identification and pooling of funds
22 from as many sources as possible, with the exception of federal grant
23 funds that have guidelines disallowing the pooling of certain funds,
24 such as the funding of the Louisiana Commission on Law Enforcement
25 and the Office of Juvenile Justice and Delinquency Prevention Board,

1 and for the use of such funds for any or all purposes lawfully authorized
2 to be used for such purposes.

3 (f) A plan to require contracts with service providers to include
4 a monitoring and evaluation component based on outcomes and
5 performance and based on the quality of the evaluation and not simply
6 the "lowest bidder" rationale.

7 (g) A plan to allow for the full reimbursement of the cost of
8 authorized services delivered by private providers having agreements
9 with the state.

10 (h) A plan to ensure that the new system of funding benefits
11 from the maximum draw of matching federal funds.

12 (i) A plan to provide for ways to hold parents accountable for
13 assisting their children in obtaining needed treatment.

14 (3) Propose ways to the legislature to address in a planned
15 manner financial issues affecting foster care including but not limited
16 to the following:

17 (a) Inadequate payments to residential and private foster care
18 providers.

19 (b) Below average foster care board payments.

20 (c) Reduction in funding suitable staff for the office of
21 community services.

22 (d) Lack of psychiatric hospital beds for foster children.

23 (e) Lack of funding of after-care and transitional services for
24 foster care children.

25 (4) Provide for and implement the coordination of service
26 delivery by all state agencies and programs having responsibility for

1 services to children and their families, including juvenile justice
2 services, resolve conflicts among programs and agencies, and develop
3 and implement structures and procedures necessary to accomplish such
4 coordination.

5 ~~(3)(5) Monitor and evaluate the effectiveness and efficiency of~~
6 Develop instruments to ensure that individual programs and the
7 ~~effectiveness and efficiency of~~ delivery of services by coordinated
8 programs are monitored and evaluated on the basis of appropriate
9 scientific standards.

10 ~~(4)(6) Undertake studies and develop proposals and~~
11 recommendations to redirect programs for children and their families
12 from crisis intervention and residential programs toward early
13 intervention and prevention and family preservation when such
14 redirection will be more efficient and effective in terms of human costs
15 and monetary costs.

16 ~~(5)(7) Adopt and implement provisions for a children's budget,~~
17 as more specifically provided in R.S. 46:2604.

18 ~~(6)(8) Require and receive such reports from state agencies and~~
19 programs having responsibility for children and their families as shall
20 be necessary to carry out its purposes and functions.

21 ~~(7)(9) Submit an annual report to the governor and the~~
22 legislature by January thirty-first summarizing the accomplishments of
23 the past year and indicating specific goals for the next fiscal year.

24 ~~(8)(10) Adopt and promulgate rules and regulations and~~
25 formulate all necessary policies, procedures, and rules of administration
26 and operation necessary to carry out the purposes of this Chapter, all

1 subject to the Administrative Procedure Act. Legislative oversight of
2 the cabinet, pursuant to the Administrative Procedure Act, shall be the
3 responsibility of the Senate Committee on Health and Welfare and the
4 House Committee on Health and Welfare.

5 ~~(9)~~(11) Do all the things reasonably necessary to accomplish the
6 purposes for which the cabinet is created.

7 ~~(10)~~(12) Develop proposals and recommendations for state
8 agencies that provide residential and/or foster care to children to
9 integrate life skills training into their daily programming and provide
10 for reports to the cabinet on the implementation thereof. Such
11 proposals and recommendations shall comply with relevant federal
12 statutory provisions and regulations.

13 B. In addition to the above duties and responsibilities, in order
14 to carry out its purposes and functions, the cabinet may:

15 * * *

16 (2) Create and appoint such advisory committees or task forces
17 to act in an advisory capacity to the cabinet to assist in its studies,
18 composed of such representatives of the public and private sectors, as
19 it shall deem appropriate, and support and collaborate with the
20 Louisiana Juvenile Justice Planning and Coordination Board.

21 * * *

22 §2604. Children's budget; preparation and submission

23 A. In adopting the children's budget annually, the cabinet shall
24 hold such hearings and solicit and review such information and
25 recommendations from affected agencies and programs and other
26 sources as it shall find necessary. To the extent possible, the cabinet

1 shall seek to establish agreement among and support by the affected
2 agencies and programs with respect to the children's budget.

3 B.(1) In reviewing the children's budget recommendations, the
4 cabinet shall ensure that the following costs and cost estimates are
5 included:

6 (a) Estimates of all costs associated with the direct delivery of
7 child and family welfare services and juvenile justice services by
8 executive branch agencies, including planning and legal services.

9 (b) Estimates of all costs of child and family welfare and
10 juvenile justice services administered by courts and agencies of the
11 judicial branch, including the estimated costs of adjudication, law
12 enforcement by sheriffs, district legal representation, juvenile forensic
13 activity, local juvenile probation, local juvenile detention, FINS,
14 juvenile drug courts, truancy centers, CASA programs, child support
15 adjudication and enforcement, improvements to foster care
16 adjudication, and domestic violence programs. The estimates shall
17 include all costs, including state, local, self-generated, and federal or
18 other grant funding, regardless of the source of the expenditures.

19 (c) Estimate of the total expenditures of local government,
20 exclusive of federal and state funds provided to the local government
21 from the state, on children's services, including the costs of recreation,
22 elementary and secondary education, juvenile law enforcement by
23 municipal police departments, juvenile justice services, including local
24 probation, local detentions, and treatment services directly administered
25 by the local government.

1 (2) The budget shall also include goals and benchmarks for
2 measuring year-to-year progress and for comparing Louisiana's
3 progress in putting children first with the efforts of other states. The
4 cabinet shall define a comprehensive continuum of services, including
5 juvenile justice services, and shall estimate the total cost of funding the
6 continuum. The state's progress in funding the continuum of services
7 shall be measured by comparing the costs of the total need of the
8 continuum versus the estimated costs expended by state and local
9 government each year in support of the continuum.

10 (3) In reviewing the annual children's budget recommendations,
11 the executive departments, agencies, and cabinet shall adhere, to the
12 extent possible and reasonable, to the following policy priorities:

13 (a) The highest funding priority should be given to prevention
14 and early intervention services.

15 (b) High funding priority should be given to the following
16 programmatic areas:

17 (i) Exemplary or promising mental health services.

18 (ii) Exemplary or promising substance abuse treatment services.

19 (iii) Exemplary or promising alternative sanctions.

20 (iv) Nonsecure residential programs.

21 (v) Exemplary or promising family strengthening programs.

22 (c) Funded programs should, for the most part, be school-based
23 or community-based, unless greater efficiency and effectiveness can be
24 achieved through regionally-based programs.

25 (d) All existing services, except existing services that are being
26 extended to additional jurisdictions, should be funded at current levels

1 until the effectiveness of the services are properly evaluated. Programs
2 shown through evaluation to not be cost-effective should be altered or
3 eliminated. Programs shown through evaluation to be effective should
4 be funded at higher levels if there is sufficient need for such programs.

5 (e) Special funding attention within these priority areas should
6 also be directed to services for female youth offenders, juvenile sexual
7 offenders, and juvenile victims of sexual abuse.

8 C. In studying and recommending the children's budget, the
9 cabinet shall determine the feasibility, advisability, and merit of:

10 (1) ~~Identification of and pooling of funds from as many sources~~
11 ~~as possible and use of such funds for any or all purposes for which any~~
12 ~~such funds may be used.~~ Organizing and presenting the budget in terms
13 of the continuum of services in addition to by department.

14 (2) ~~Single-purchase systems for purchase of services and other~~
15 ~~means to eliminate competing rates.~~

16 (3) ~~Using funding mechanisms to effect greater coordination of~~
17 ~~services.~~

18 (4) ~~Directing funding to family preservation and nonresidential~~
19 ~~options directed toward long-range savings by avoiding residential~~
20 ~~placement.~~

21 C.D. The governor's executive budget shall include the
22 governor's recommended children's budget which shall be a
23 compilation and listing of the recommended budgets contained in the
24 various schedules of the executive budget for all services and programs
25 for children and their families.

1 Ð.E. The General Appropriation Act enacted by the legislature
2 shall include the children’s budget. This shall be a separate section of
3 the Act which shall include a compilation and listing of all
4 appropriations contained in the various schedules and appropriations in
5 the Act which are for services and programs for children and their
6 families as well as the cost estimates of all nonappropriated elements
7 of the budget.

8 * * *

9 §2605.1. Children's Cabinet Research Council

10 A. The Children's Cabinet Research Council, hereafter referred
11 to as the "research council", is hereby established as a specialized
12 advisory function to the cabinet.

13 B. The purposes of the research council are to:

14 (1) Identify and communicate to university researchers the
15 research needs of the cabinet and the Louisiana Juvenile Justice
16 Planning and Coordination Board.

17 (2) Promote at one or more of the state's universities the
18 development of centers of excellence and specialization in child
19 welfare and juvenile justice clinical, research, and educational services,
20 and to seek federal funding for the establishment of one or more child
21 welfare resource centers.

22 (3) Assist the Louisiana Juvenile Justice Planning and
23 Coordination Board in developing a system of statistics, indicators, and
24 measures, common assessment models including risk, safety, service
25 needs, family, and strengths-based instruments that are practice oriented

1 ~~and not just theoretical in design, and a system of monitoring and~~
2 ~~evaluation.~~

3 (4) Provide such advice as may be requested by the cabinet or
4 the Louisiana Juvenile Justice Planning and Coordination Board.

5 C.(1) The research council shall be composed of one appointed
6 representative of each of the following entities: the Louisiana Board of
7 Regents, the Board of Supervisors of the Louisiana State University
8 System, the Board of Supervisors of the Southern University System,
9 the Board of Supervisors of the University of Louisiana System,
10 Centenary College, Dillard University, Loyola University, Our Lady of
11 Holy Cross College, Xavier University, the Louisiana State University
12 Medical Center, the Tulane University Medical School, the Louisiana
13 State University Law School, the Southern University Law School, the
14 Loyola University Law School, and the Tulane University Law School.

15 (2) Members shall serve for a term of two years. However,
16 members may be appointed by their appointing authorities for multiple
17 terms. All members shall serve without additional compensation and
18 without reimbursement of expenses from the state.

19 (3) The research council shall be chaired by the executive
20 director of the cabinet or the director's designee. The research council
21 shall meet at least quarterly according to a schedule established by the
22 research council's chair. Meetings shall also be held on call of the chair
23 or at the request of at least three members of the research council. The
24 chair shall give seven days' notice to the members of the research
25 council of the date, time, and place where regular or special meetings
26 will be held.

1 (4) A quorum of the research council shall consist of five
2 members. The use of proxies is permitted, the limits and procedures of
3 which shall be defined by the chair.

4 §2605.2. Louisiana Juvenile Justice Planning and Coordination Board

5 A. The Louisiana Juvenile Justice Planning Coordination Board,
6 hereafter referred to as the "Louisiana board", is hereby established as
7 an interim, planning and coordination board of the cabinet authorized
8 to perform the following responsibilities:

9 (1) Develop a strategic planning process for juvenile justice that
10 utilizes data collection and trend analysis, addresses resources and gaps
11 in services, identifies research-based effective programs and practices,
12 and incorporates impact evaluation methodology to measure outcomes,
13 and to develop an annual implementation plan.

14 (2)(a) Develop and recommend a plan delineating how the
15 following functions will be accomplished in the state's regional service
16 areas, including establishing the entities responsible for performing
17 these functions:

18 (i) Identifying and prioritizing gaps in the continuum of services
19 needed for each area.

20 (ii) Conducting regular regional, multi-parish, or area training,
21 especially with regard to comprehensive strategizing, restorative justice
22 concepts, and graduated sanctions.

23 (iii) Communicating the vision, goals, and strategies of the
24 Juvenile Justice Reform Act within each region.

25 (iv) Providing recommendations to the Children's Cabinet.

1 (b) Provide the agencies identified in R.S. 46:2605.3 a forum in
2 which to discuss and resolve any differences or disputes regarding the
3 coordinated delivery of services within a regional service area.

4 (3) Monitor and report as needed during its tenure to the
5 governor, the cabinet, the Juvenile Justice Reform Act Implementation
6 Commission, other appropriate legislative committees, and the general
7 public on Louisiana's progress in developing and implementing the
8 strategic plan and the annual implementation plan.

9 (4) Ensure and supervise the preparation of a juvenile justice
10 component of the children's budget and assist the cabinet in presenting
11 the budget to the appropriate legislative budget committees and to the
12 Juvenile Justice Reform Act Implementation Commission.

13 (5) Create, with the advice and counsel of the Children's
14 Cabinet Research Council, a system of statistics, indicators, and
15 measures, and a system for contracting, monitoring, and evaluating the
16 performance and outcomes of the juvenile justice system throughout the
17 state.

18 (6) Ensure the planning, development, and maintenance of a
19 central repository of bibliographic, statistical, and directory information
20 on juvenile justice in association with an appropriate state database and
21 web-based function.

22 (7) Ensure that the priorities of state entities funding children
23 and family services are consistent with the policies of the cabinet and
24 the Louisiana board by:

1 (a) Receiving reports of the allocations and expenditures of all
2 federal and state juvenile grant funds earmarked for law enforcement,
3 treatment, rehabilitation and education.

4 (b) Evaluating how juvenile monies, both state and federal, are
5 utilized in implementing juvenile delinquency prevention programs by
6 state and local agencies.

7 (c) Identifying and evaluating the effectiveness of state and
8 local public awareness and delinquency prevention programs in both
9 the public and private sectors to develop a series of recommendations
10 for improving the effectiveness of such programs.

11 (d) Evaluating specific problem areas relating to the
12 enforcement of laws concerning juvenile delinquency and making
13 recommendations to improve the impact of those laws through
14 legislative refinement or executive order.

15 (e) Assessing the roles and interaction of federal, state, and
16 local law enforcement agencies and entities in combating juvenile
17 delinquency to make recommendations for improving their
18 effectiveness.

19 (8) Ensure that the design of Louisiana's continuum of services
20 for children includes the full range of juvenile justice services,
21 including alternative and community-based services.

22 (9) Coordinate the development and acceptance of common
23 assessment instruments including risk, safety, needs, family, and
24 strengths-based instruments that are practice oriented and not just
25 theoretical in design, by all child welfare, juvenile justice, mental
26 health, and substance abuse agencies.

1 (10) Assist the cabinet in the development of a centralized
2 intake system that would allow all providers to access common intake
3 forms and to assist their clients in completing and returning them via a
4 website to a central intake database and to a system of case managers.

5 (11) Assist community, local, and regional entities in
6 developing a planning and collaborative capacity, especially with
7 respect to the comprehensive strategy, the principles of balanced and
8 restorative justice, and the continuum of community-based, graduated
9 sanctions and services.

10 (12) Conduct a study to determine whether Families in Need of
11 Services (FINS) and Truancy Assistance Service Centers (TASC)
12 should be merged. The study should address specifically whether
13 merger would result in better economies of scale, more flexibility in
14 funding, less duplication, and more effective service delivery than the
15 current divided programs.

16 (13) Develop a comprehensive strategy to foster interagency
17 agreements and cooperation regarding the sharing of information and
18 data concerning children, youth, and families involved in the juvenile
19 justice system, and provide a forum for the presentation of interagency
20 recommendations and the resolution of disagreements relating to the
21 contents of the interagency agreements or the performance of the
22 parties of their respective obligations under the agreement.

23 B.(1) The Louisiana board shall be composed of the executive
24 director of the cabinet and one appointed representative of each of the
25 following entities: The office of the governor, the Louisiana
26 Commission on Law Enforcement, Juvenile Justice Delinquency and

1 Prevention Board, the Supreme Court of Louisiana, the Louisiana
2 Council of Juvenile and Family Court Judges Association, the
3 Louisiana Court Administrators' Association, the Louisiana District
4 Attorney's Association, the Louisiana Sheriffs' Association, the
5 Louisiana Association of Chiefs of Police, the Independent Juvenile
6 Probation Officers, the Independent Juvenile Detention Centers,
7 Victims and Citizens Against Crime, the Louisiana State University
8 Office of Social Services Research and Development, the Louisiana
9 Association of Child Care Agencies, You Who, Prevent Child Abuse,
10 the Louisiana Children's Trust Fund, the Louisiana Indigent Defense
11 Assistance Board, the Juvenile Justice Project of Louisiana, and the
12 Children's Cabinet Research Council.

13 (2) Members shall serve for a term of two years or until their
14 term of service is ended on December 31, 2004, at which time the board
15 shall cease to exist. Members may be replaced at any time by written
16 communication of the appointing authority directed to the director of
17 the Louisiana board. All members shall serve without compensation or
18 travel reimbursements, and without reimbursement of expenses from
19 the state.

20 (3) The Louisiana board shall be chaired by a member
21 appointed by the executive director of the cabinet or the director's
22 designee. The vice chair and other officers of the Louisiana board shall
23 also be appointed by the executive director of the cabinet or the
24 director's designee. The Louisiana board shall meet at least quarterly
25 according to a schedule established by the chair. Meetings shall also be
26 held on call of the chair or at the request of at least three members of

1 the Louisiana board. The chair shall give seven days' notice to the
2 members of the Louisiana board of the date, time, and place where
3 regular or special meetings will be held.

4 (4) A quorum shall consist of a majority of members of the
5 Louisiana board. The use of proxies is not permitted.

6 (5) The executive director of the Louisiana board shall be
7 appointed by the governor. At the request of the executive director of
8 the Louisiana board and with the approval of the appointing entities, the
9 Louisiana board may receive intergovernmental staffing assistance
10 from other executive branch agencies, either or both houses of the
11 legislature, the supreme court, and local governments.

12 §2605.3. Regional service areas; coordination by service agencies

13 A. In order to provide a coordinated and comprehensive
14 delivery of services to children and their families by region, the
15 following agencies shall, to the extent feasible, develop a plan for the
16 delivery of services in the state's regional service areas:

17 (1) The office of community services by the secretary of the
18 Department of Social Services.

19 (2) The office of public health and the office of mental health
20 by the secretary of the Department of Health and Hospitals.

21 (3) The Louisiana Commission on Law Enforcement and the
22 Administration of Criminal Justice.

23 (4) The office of youth development by the secretary of the
24 Department of Public Safety and Corrections.

25 (5) The Department of Labor.

26 (6) The state Department of Education by the superintendent.

1 B. In the event there is a dispute or conflict regarding the
2 coordination of the delivery of services within a regional service area,
3 any two or more of these agencies may request the Louisiana Juvenile
4 Justice Planning and Coordination Board to hold a hearing to discuss
5 and resolve any dispute or conflict regarding the coordinated delivery
6 of services within a service region area.

7 * * *

8 §2607. Termination

9 The existence of the Children's Cabinet shall terminate, all legal
10 authority therefor shall cease, and this Chapter shall be repealed on
11 ~~August 15, 2003~~ August 15, 2008.

12 PART III. LOUISIANA CHILDREN, YOUTH, AND FAMILIES

13 INVESTMENT FUND

14 §2608. Purposes and intent

15 A. The legislature hereby finds and declares that the children
16 and families of Louisiana are the state's most precious resource.

17 B. The legislature further finds that the state should make
18 further strategic investments in this resource in order to:

19 (1) Prevent child abuse and neglect, substance abuse, mental
20 illness, and predelinquent and delinquent behavior.

21 (2) Make early interventions that will effectively address family
22 problems.

23 (3) Provide comprehensive strategies for effectively
24 rehabilitating children and families at whatever stage these problems
25 are manifested.

1 C. The legislature affirms its belief that such strategic
2 investments will not only preserve and develop the state's human
3 resources but also save the state large amounts of money currently
4 being invested in law enforcement, child protection, adjudication, and
5 corrections.

6 §2609. Establishment of the Louisiana Children, Youth and Families

7 Investment Fund

8 A. There is hereby established in the state treasury the Louisiana
9 Children, Youth and Families Investment Fund, hereinafter referred to
10 as the fund. The fund shall be administered by the division of
11 administration in collaboration with the cabinet until such time as a
12 single state agency is created pursuant to R.S. 24.677, at which time the
13 fund shall be administered by said entity.

14 B. The fund may be comprised of monies from the following
15 sources: savings from the reduction of youth in secure facilities, receipt
16 of funds from private foundations and trusts, savings from restructuring
17 executive branch departments as provided in R.S. 24:667, matching
18 funds provided by regional, local governmental, and private service
19 providers, and funding from specific legislative appropriations. After
20 compliance with the requirements of Article VII, Section 9(B) of the
21 Constitution of Louisiana, relative to the Bond Security and
22 Redemption Fund, and prior to monies being placed in the state general
23 fund, an amount equal to that deposited as required in this Subsection
24 and monies appropriated by the legislature shall be credited to the fund.
25 The monies in this fund shall be used solely as provided in Subsection
26 C of this Section and only in the amounts appropriated by the

1 legislature. All unexpended and unencumbered monies in this fund at
2 the end of the fiscal year shall remain in the fund. The monies in this
3 fund shall be invested by the state treasurer in the same manner as
4 monies in the state general fund, and interest earned on the investment
5 of these monies shall be credited to this fund, again following
6 compliance with the requirement of Article VII, Section 9(B), relative
7 to the Bond Security and Redemption Fund.

8 C. Subject to annual appropriation by the legislature, monies in
9 the fund may be used in accordance with procedures and guidelines
10 which may be developed by the single state entity created pursuant to
11 R.S. 24:677, including but not limited to the following purposes:

12 (1) Prevention and early intervention, including school-based,
13 community-based, and regionally based programs to prevent or to
14 intervene early to address child abuse and neglect, predelinquency,
15 delinquency, and domestic abuse.

16 (2) Alternative sanctions, including funding of alternatives to
17 incarceration and detention for youth adjudicated to be predelinquent
18 or delinquent, as provided for in R.S. 46:2610.

19 (3) Consultation, training, and technical assistance to provide
20 resources for training, especially cross training, and technical assistance
21 to judges, other court personnel, agency case workers, probation
22 workers, prosecutors, defense attorneys, law enforcement officers, and
23 other personnel involved in prevention, treatment, or other services
24 relating to child abuse and neglect, domestic abuse, predelinquency,
25 and delinquency.

1 (4) Supplemental compensation of prosecutors and indigent
2 defenders.

3 §2610. Community-based, school-based, and regionally based
4 sanctions and services grant program

5 A. The legislature hereby finds that the state's over-reliance on
6 juvenile incarceration, especially in large correctional institutions, is
7 contrary to the best interests and well-being of juveniles and frequently
8 inconsistent with the state and federal law requiring intervention by the
9 least restrictive method. The legislature further finds that the lack of
10 available alternatives within local communities is a significant factor
11 in the over-incarceration of juveniles in such large correctional
12 facilities.

13 B. To address such lack of available alternatives to the
14 incarceration of juveniles, the legislature declares it to be the policy of
15 the state of Louisiana to assist in the development and establishment of
16 a community-based, school-based, and regionally based system of
17 progressive intensive sanctions and treatment programs and services for
18 juveniles who have committed or are at risk of committing delinquent
19 acts.

20 C. The purposes of this Section shall be to assist in the
21 provision of appropriate preventive, diversionary, and dispositional
22 alternatives for juveniles, encourage coordination of the elements of the
23 juvenile services system, and provide an opportunity for local
24 involvement in developing community-based, school-based, and
25 regionally based programs for juveniles so that the following objectives
26 may be obtained:

1 (1) Improved deterrence of juvenile crime by providing
2 immediate, effective, and more cost-effective sanctions that emphasize
3 accountability for the juvenile offender for his actions and reduce the
4 pattern of repeat offending.

5 (2) Preservation of the family unit whenever the best interests
6 of the juvenile are served and such preservation does not place the
7 juvenile at imminent risk.

8 (3) Limitation on intervention to those actions which are
9 necessary and the utilization of the least restrictive yet most effective
10 and appropriate resources.

11 (4) Encouragement of active family participation, except when
12 the best interests of the juvenile indicates otherwise.

13 (5) Treatment in the community rather than commitment to a
14 distant correctional facility, except when the best interests of the
15 juvenile indicates otherwise.

16 (6) Assistance in the development of alternatives to secure
17 temporary custody for juveniles who do not require secure detention.

18 (7) Encouragement of a public and private partnership in the
19 design and delivery of services for juveniles.

20 (8) Encouragement of parental responsibility and the provision
21 of community-based sanctions and services for juveniles and their
22 families, holding child and family accountable for their behavior.

23 (9) Encouragement of the principles and practices of balanced
24 and restorative justice.

25 D.(1) To be eligible for participation in this services grant
26 program, a parish or municipal governing authority, a court or other

1 governmental entity, or a school system shall adopt a plan for their
2 jurisdiction based on the principles of the comprehensive strategy and
3 balanced and restorative justice and as required by the guidelines to be
4 prepared and promulgated by the cabinet and approved by the
5 legislature. The applicant entity shall submit its plan to the cabinet at
6 such times and in advance of such deadlines as defined by the cabinet.
7 In the event a single state entity is created pursuant to R.S. 24:677,
8 oversight and administration of this program shall be transferred to said
9 entity.

10 (2) Plans may also be submitted jointly by two or more parishes,
11 municipal governments, courts, or school boards within any regional
12 service area.

13 E. After approval of an applicant's plan, an applicant may
14 submit, at times specified by the cabinet, a proposal for funding one or
15 more community-based, school-based, or regionally based sanctions or
16 pre-dispositional and post-dispositional services that are consistent with
17 the applicant's plan and that are nationally validated exemplary or
18 promising programs as indicated in the guidelines promulgated by the
19 cabinet or, after its creation, the department.

20 F. A parish or municipal governing authority, court or other
21 governmental entity, or a school system may contract with a
22 independent, private for-profit or not-for-profit organization to provide
23 the community-based, school-based, or regionally based services
24 contained in the applicant's plan, however, the request for funding of
25 one or more of the approved services or programs shall contain a
26 statement regarding the existence of such contract and its terms.

1 G.(1) To receive funding from the fund, applicants must provide
 2 a cash match based on a percentage of total cost not to exceed twenty
 3 percent as indicated in the schedule of match percentages to be
 4 provided by the cabinet in its programmatic guidelines.

5 (2) Funding requests for approved plans submitted jointly by a
 6 two or more parishes, municipal governments, courts, or school boards
 7 within a regional service area shall be given preference for funding
 8 should funds be limited.

9 H. Each recipient shall report quarterly to the director of the
 10 cabinet such data as may be required by the cabinet or the department
 11 to measure progress on stated objectives and to evaluate programs and
 12 services provided by each recipient.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Landrieu, et al.

HB No. 2018

Abstract: Creates the Juvenile Justice Reform Act of 2003 upon recommendation of the Juvenile Justice Commission.

**Swanson Correctional Center for Youth
 Madison Parish Unit, (Tallulah)**
 (Section 2 of the bill, R.S. 15:902.2)

Proposed law provides for the closure of Swanson Correctional Center for Youth-Madison Parish Unit, (juvenile facility) as a facility for juveniles. More specifically, proposed law requires, by December 31, 2004, that the juvenile facility no longer be used as such. However, proposed law allows a five-month extension, not to extend beyond May 31, 2005, if the governor declares a state of emergency which necessitates the use of the juvenile facility. Proposed law requires DPS&C to develop a comprehensive plan for the transitioning of these youth based upon the health, safety, and best interests of each child and the protection and public safety of society. The comprehensive plan must include a specific date after which youths will no longer be assigned or reassigned to the facility and must be submitted to the governor and legislature before August 1, 2003. Proposed law additionally requires that the

plan be updated every month detailing the total number of youths in the facility, the number of youths transitioned out of the facility and the facility to which the child was transferred, and the number of youths, if any, placed in the facility, and the reason for this placement as opposed to placement in another juvenile facility.

Risk Review Panel

(Section 2 of the bill, R.S. 15:906.1)

Proposed law provides that every juvenile in the custody of the DPS&C shall be regularly reviewed by the La. Juvenile Risk Review Panel in order to determine whether the level of copayment for a juvenile can be reduced or whether juvenile has been placed in the least restrictive level of confinement. Proposed law provides for the creation of not more than two La. Juvenile Risk Review Panels within the DPS&C to be composed of five members including: a board certified psychologist or psychiatrist; a warden or deputy warden of the facility where offender is incarcerated; the secretary of DPS&C or his designee, who shall be chairman; a retired judge with experience in hearing juvenile matters, appointed by the governor; and a juvenile probation officer with a minimum of 10 years experience in juvenile probation matters, to be appointed by the governor. Proposed law provides with respect to meetings, per diem, and quorums. Proposed law requires the panels to review: predisposition reports; facility records; medical and psychological records; and, information provided by the convicted person, the district attorney, the assistant district attorney, and any other information obtained by the DPS&C. Proposed law requires the panel to evaluate the risk of danger to society which each juvenile who has been convicted of a crime, and who is in the custody of the DPS&C, may present if transferred to a less restrictive setting. However, the panel shall not evaluate the risk of danger to society presented by a juvenile after adjudication of a felony-grade delinquent act based upon a violation of the following offenses: first degree murder; second degree murder; aggravated kidnapping; aggravated rape; armed robbery; treason; and a sex offense as defined in R.S. 15:540 et seq. when the victim is under the age of 18 at the time of the commission of the offense. Proposed law further requires the secretary of the DPS&C to adopt and promulgate rules, regulations, and procedures for the panel by January 1, 2004. Proposed law authorizes the panel to order that a juvenile be moved from a secure institution to a less restrictive setting after a determination has been made by the panel that a juvenile offender will not present a risk of danger to society. Proposed law provides that an order of the panel shall be a final and binding decision with no further action of the court required to effectuate a transfer by the panel.

Standards and Licensing for Juvenile Facilities

(Section 2 of the bill, R.S. 15:1111)

Proposed law requires a single state entity (a new state entity consolidating various services to children, youth, and families, as more fully digested under heading "Single State Entity for Children") to develop uniform standards and licensing procedures for local juvenile detention facilities. The uniform standards and licensing procedures are required to address operations of the local juvenile detention facilities, programs and services offered at the facilities, training of staff, the rights of children in a facility, educational and

substance abuse needs of the children, population limits of the facilities, and such other standards that will ensure a safe, secure, and humane environment for children within the facilities.

Interagency Agreements for Data Sharing
(Section 2 of the bill, R.S. 15:1461-1464)

Proposed law relative to the sharing and integration of appropriate data and information relating to child protection, delinquency, families in need of services, and other concerns, requires the single state entity to develop a comprehensive strategy to foster interagency agreements and cooperation regarding the sharing of information and data concerning juvenile offenders. Proposed law authorizes agencies to execute specific agreements defining the data to be shared between the parties, the person or persons allowed to have access to the data, and the security arrangements necessary to ensure the protection of the data from unauthorized access. Proposed law recognizes DSS, DHH, DOE, DPS&C, DOL, courts, district attorneys, law enforcement agencies, schools and others as agencies involved in facilitating agreements regarding the sharing of information regarding juveniles. Proposed law requires interagency information sharing agreements to specify the conditions under which information is to be made available to authorized parties and to include procedures for respecting the confidentiality of all records and information pertaining to a juvenile. Proposed law provides that any person or agency, who in good faith, and pursuant to any interagency agreement, discloses confidential information regarding any juvenile, shall have immunity from any liability, civil, criminal, or otherwise, that might result by reason of the type of information disclosed. However, this limitation on liability does not apply if a party acts with gross negligence or in bad faith.

The Education/Juvenile Justice Partnership Act
(Section 3 of the bill, R.S. 17:251-252)

Proposed law creates the Education/Juvenile Justice Partnership Act which requires BESE, in collaboration with the Louisiana Juvenile Justice Planning and Development Board, to formulate, develop, and approve a model master plan for improving behavior and discipline within schools, including: improving communication, coordination, and collaboration between the schools and juvenile justice agencies; improving safe school planning; formulating, developing, and implementing effective school discipline zero tolerance policies that comply with all applicable provisions of state law; providing improved mental health services in or through the schools; providing better assistance to parents in knowing about and accessing family strengthening programs; improving the coordination of special education and juvenile justice services; improving classroom management using positive behavioral supports and other effective disciplinary tools; improving methods and procedures for the handling of school suspensions and the referral of students to alternative schools; and, providing for better and more useful reporting on an annual basis of school behavioral and disciplinary problems. Proposed law requires each city, parish, and other local public school board to develop by October 1, 2004, a master plan for each school under the board's jurisdiction.

Juvenile Justice Reform Act Implementation Commission
(Section 4 of the bill, R.S. 24:671-672)

Proposed law creates the Juvenile Justice Reform Act Implementation Commission, composed of the following five members: chairman of the Juvenile Justice Commission, a senator, a supreme court justice, the commissioner of administration, and the president of Xavier University. Proposed law provides that the commission has as its purpose the implementation of the recommendations contained in the Juvenile Justice Reform Act of 2003 and HCR 56 or SCR 31 and the continued reform of the state's juvenile justice system. Proposed law provides that the commission may receive and expend funds appropriated by the legislature or from any other source, including public or private organizations, and that such funds are to be received and allocated by the Legislative Budgetary Control Council on behalf of and as directed by the chairman of the commission. Proposed law grants the commission certain powers and authorities, including the ability to hold hearings, subpoena witnesses, administer oaths, and require the production of books and records. Proposed law provides that the commission shall address, among other things, the creation of a single state entity for providing services to children and their families and the closure of Swanson/Tallulah as a facility for juveniles. Proposed law requires the commission to report to the legislature and governor.

Single State Entity for Children
(Section 5 of the bill, R.S. 46:677)

Proposed law states legislative findings regarding the creation of a single state entity, including the finding that a single state entity for the delivery of services to children and their families should incorporate, to the extent deemed appropriate by the Juvenile Justice Reform Act Implementation Commission, services rendered by the office of community services, DSS, the office of public health and office of mental health, DHH, the office of youth development, DPS&C, and DOE. Proposed law requires the plan to: clearly state the purpose and objectives of the single state entity; designate the nature of the single state entity, including the appropriate level of the organizational unit and its placement in the organizational structure of state government; provide for the internal organization and structure of the single state entity; provide for the transfer of organizational entities of state government and their powers, duties, functions, and responsibilities to the single state entity; identify and provide specifics concerning requirements for implementing the single state agency, including personnel, funds, office space, facilities, and equipment. Proposed law requires the commission to submit the proposed plan to the governor and the legislature for adoption of the plan and enactment of implementing legislation during the 2004 Regular Session.

Children's Cabinet, Generally
(Sections 5 and 7 of the bill, R.S. 46:2600 and R.S. 46:2607)

Present law provides that the cabinet terminates, and all applicable provisions of law are automatically repealed, on August 15, 2003. Proposed law changes that date to August 15, 2008.

Proposed law defines the terms community-based programs, exemplary and promising programs, exemplary sanctions, juvenile justice, regionally based programs, regional service areas, and school-based programs.

Children's Cabinet and Children's Budget
(Section 5 of the bill, R.S. 46:2601-2604)

Proposed law includes "juvenile justice services" within the ambit of the powers and duties of the cabinet. Proposed law charges the cabinet with the additional duty of developing and recommending, by March 1, 2004, a plan for reforming the way in which juvenile justice services are delivered to children and families, including centralized intake, coordinated system of specially trained and certified case managers, a voucher system for assessing services, a system for funding community-based services, identification and pooling of funds, monitoring and evaluation of service providers, reimbursement for private providers, maximizing federal matching dollars, parental accountability and foster care financial issues. Present law provides for review of the children's budget by the cabinet. Proposed law retains present law and further requires detailed information to be included in the budget, including estimates of all costs associated with the direct delivery of juvenile justice services and goals and benchmarks for measuring progress. Proposed law further establishes, to the extent possible, the prioritizing of the budget in the following hierarchy: highest funding priority to prevention and early intervention services, high funding priority to programmatic areas including certain exemplary or promising services, funding priority to school and community-based programs, and current level funding to existing programs. Proposed law also provides for a special funding consideration for programs directed to service juvenile female offenders.

Children's Cabinet Research Council
(Section 5 of the bill, R.S. 46:2605.1)

Proposed law creates the Children's Cabinet Research Council to identify and communicate to university researchers the research needs of the cabinet and the Louisiana Juvenile Justice Planning and Coordination Board. Additionally, proposed law requires the research council to promote at one or more of the state's universities the development of centers of excellence and specialization in child welfare and juvenile justice, assist the Louisiana Juvenile Justice Planning and Coordination Board in developing a system of accountability, and, generally, to assist the cabinet or the Louisiana Juvenile Justice Planning and Coordination Board. Proposed law provides for the composition of the research council, including appointees of the Louisiana Board of Regents, the Board of Supervisors of the Louisiana State University System, the Board of Supervisors of the Southern University System, the Board of Supervisors of the University of Louisiana System, Centenary College, Dillard University, Loyola University, Our Lady of Holy Cross College, Xavier University, the Louisiana State University Medical Center, the Tulane University Medical School, the Louisiana State University Law School, the Southern University Law School, the Loyola University Law School, and the Tulane University Law School. Proposed law establishes terms of the members, establishes the executive director of the cabinet as the chair of the research council, provides

with respect to number and calling of meetings, establishment of a quorum, and use of proxies.

Louisiana Juvenile Justice Planning and Coordination Board

(Section 5 of the bill, R.S. 46:2605.2)

Proposed law creates the Louisiana Juvenile Justice Planning and Coordination Board as an interim, planning, and coordination board of the Children Cabinet. Proposed law lists the board's responsibilities as: (1) development of a strategic planning process for juvenile justice that utilizes data collection and trend analysis, addresses resources and gaps in services, identifies research-based effective programs and practices, and incorporates impact evaluation methodology to measure outcomes, and to develop an annual implementation plan; (2) reporting to the governor, the cabinet, the Juvenile Justice Reform Act Implementation Commission, other appropriate legislative committees, and the general public on Louisiana's progress in developing and implementing the strategic plan; (3) supervising the preparation of a juvenile justice component of the children's budget and assisting the cabinet in presenting the budget to the appropriate legislative budget committees and to the Joint Legislative Juvenile Justice Policy Priority Committee; (4) creating, with the advice and counsel of the Children's Cabinet Research Council, a system of accounts and evaluating the performance and outcomes of the juvenile justice system throughout the state; (5) ensuring the planning, development, and maintenance of a central repository of information on juvenile justice in association with an appropriate state database and web-based function; (6) ensuring that the priorities of the state entities funding children and family services are consistent with the policies of the cabinet and the Louisiana Board; (7) ensuring that the design of Louisiana's continuum of services for children includes juvenile justice services; (8) assisting the regional juvenile justice planning and coordination advisory boards in the building of community, local, and regional planning and collaborative capacity, especially with respect to the comprehensive strategy, the principles of balanced and restorative justice, and the continuum of community-based, graduated sanctions and services; (9) coordinating the development and acceptance of common assessment instruments including risk, safety, service needs, family, and strengths-based instruments; (10) assisting the cabinet in the development of a centralized intake system; (11) reviewing the recommendations for the continuum of community-based services and sanctions and the proposed legislation, actions, and rules before submitting these recommendations to the Children's Code Committee, the Joint Legislative Juvenile Justice Policy Priority Committee, and other entities; (12) conducting a study to determine if FINS and TASC should be merged; and (13) developing a comprehensive strategy to foster interagency agreements and cooperation regarding the sharing of information and data. Proposed law provides for the composition of the board, including the executive director of the cabinet and a representative of the office of the governor, the Louisiana Commission on Law Enforcement, Juvenile Justice Delinquency and Prevention Board, the Supreme Court of Louisiana, the Louisiana Council of Juvenile and Family Court Judges Association, the Louisiana Court Administrators' Association, the Louisiana District Attorneys' Association, the Louisiana Sheriffs' Association, the Louisiana Association of Chiefs of Police, Victims and Citizens Against Crime, Louisiana State University, Office of Social Services

Research and Development, the Louisiana Association of Child Care Agencies, You Who, Prevent Child Abuse, the Louisiana Children's Trust Fund, the Louisiana Indigent Defense Assistance Board, the Juvenile Justice Project of Louisiana, and the Children's Cabinet Research Council. Proposed law allows the executive director of the cabinet to appoint the chairman and other officers of the board. Proposed law allows the governor to appoint the executive director of the board.

Regional Service Areas

(Section 5 of the bill, R.S. 46:1100(R.S. 46:2600(6) and 2605.3)

Proposed law establishes the following nine regional service areas: Region 1 includes the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard; Region 2 includes the parishes of East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana; Region 3 includes the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington; Region 4 includes the parishes of Ascension, Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, and Terrebonne; Region 5 includes the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion; Region 6 includes the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis; Region 7 includes the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn; Region 8 includes the parishes of Bienville, Bossier, Caddo, Claiborne, Desoto, Jackson, Natchitoches, Red River, Sabine, and Webster; and, Region 9 includes the parishes of Caldwell, East Carroll, Franklin, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll. Proposed law requires the following agencies, to the extent feasible, to develop a plan for the delivery of services in the state's regional service areas: office of community services, DSS; office of public health and the office of mental health, DHH; LCLE; office of youth development, DPS&C; DOL; and DOE.

Louisiana Children, Youth, and Families Investment Fund

(Section 5 of the Bill, R.S. 46:2608-2610)

Proposed law creates within the state treasury the Louisiana Children, Youth and Families Investment Fund to be administered by the division of administration in collaboration with the cabinet, until such time as a single state agency is established. Proposed law provides the following sources of funds: the savings from the reduction of juvenile incarceration, the receipt of funds from private foundations and trusts, the savings from restructuring executive branch departments, the matching funds provided by regional, local governmental, and private service providers, and the funding from specific legislative appropriations. Proposed law allows use of the funds for: school-based, community-based, and regionally based programs to prevent or to intervene early to address child abuse and neglect, predelinquency, delinquency, and domestic abuse; alternatives to incarceration and detention for youth adjudicated to be predelinquent or delinquent; training, especially cross-training, and technical assistance to judges, other court personnel, agency case workers, probation workers, prosecutors, defense attorneys, law enforcement officers, and other personnel involved in prevention, treatment,

or other services; and, to supplement the compensation of prosecutors and indigent defenders.

Community-based, School-based, and Regionally based Sanctions and Services Grant Program

(Section 5 of the Bill, R.S. 46:2610)

Proposed law creates the community-based, school-based, and regionally based sanctions and services grant program. Proposed law allows a parish or municipal governing authority, a court, or a school system to adopt a plan based on the principles of the comprehensive strategy and balanced and restorative justice and as required by the guidelines to be prepared and promulgated by the cabinet and approved by the legislature. Proposed law delineates the types of exemplary sanctions and services that may be funded, including electronic monitoring, diversion, community service, victim restitution, house arrest, intensive juvenile supervision, tracker programs, substance abuse assessment and testing, first-time offender programs, intensive individual and family treatment, structured day treatment and structured residential programs, aftercare or parole community supervision, balanced and restorative justice programs, and residential and nonresidential services for juvenile offenders. Proposed law provides a preference for plans submitted jointly by multiple entities within a regional service area and authorizes a governmental authority to contract with a private provider.

(Amends R.S. 46:2601(A)(1), 2603(A) and (B)(2), 2604, and 2607, Adds R.S. 15:902.2, 906.1, and 1110, and 1461-1464, R.S. 17:251 and 252, R.S. 24:671-677, R.S. 46:2600, 2605.1, 2605.2, 2605.3, and 2608-2610)